

PROCLAMATION

BY THE

Governor of the State of Texas

41-1829

TO ALL TO WHOM THESE PRESENTS SHALL COME:

June 18, 1981

Pursuant to Article IV, Sec. 14 of the Constitution of the State of Texas, I hereby veto S. B. 800 for the following reasons:

I am vetoing S. B. 800 today because I have concluded that the Senate redistricting plan provided in that bill is unlawful both under the Constitution of the State of Texas and the Constitution of the United States. First, the law requires that all segments of our population be given a fair and equal opportunity to elect to the Senate candidates who will best represent their interests. The Senate plan denies that opportunity to the Black citizens of this state. The plan pays lip service to this requirement of the law by creating two districts in which slightly over 50% of the population is Black. But both the law and experience have long taught that 50% of the population is not 50% of the vote and does not assure the opportunity for representation. There are no Black State Senators today and I, for one, do not believe that increasing the percentage of Blacks in the 23rd Senatorial District in Dallas from 46.3% to 50% is the best that the Senate could do in enhancing the prospects for electing a Black to the Texas Senate. The plan does not go far enough to assure our Black citizens the opportunity to representation to which they are legally entitled.

Second, S. B. 800 divides and fragments counties, towns and communities with historic common interests; it gerrymanders district lines to pit voters in rural parts of the state against citizens of our urban areas. This is particularly true in the Dallas-Fort Worth metropolitan area. The common interests, needs and concerns of the Dallas-Fort Worth metroplex will not be represented in a plan which willy-nilly divides the metroplex into districts that reach from Lubbock County to Dallas County, from Dallas County to Texarkana, from Comanche to Dallas and from Tyler to Dallas. The plan is unnecessary, unwise, unjust and unlawful.

Third, S. B. 800 ignores the requirement of Article 3, section 25 of the Texas Constitution that Senate districts be drawn on the basis of qualified electors. The drafters of S. B. 800 relied exclusively on total population figures and made no effort to comply with this requirement of the law that we must count potential voters to assure that each person's vote will have equal effect.

Finally, S. B. 800 violates the United States Constitutional requirement of "one man, one vote" by failing to take into account the significant shifts in population that have occurred since 1980 and that will continue to occur over the ten year period this plan would be in effect. Many counties are growing at twice the rate of other counties in the State. In particular, the Houston, Dallas-Fort Worth and San Antonio metropolitan areas are experiencing explosive population growth. Other areas -- the Lower Rio Grande Valley, Bell, Williamson, Travis, Brazos, Smith and Gregg Counties, for example -- are growing rapidly as well.

S. B. 800 fails to deal with this phenomenon. It creates districts that will already be unequal by the time of the first general election under the plan in 1982. This extraordinary growth is a fact. S. B. 800 ignores this fact and thereby assures that the vote of Texans in these growing areas will not be equal to the vote of other Texans in 1982 or in any other Senate election this decade.

For all these reasons, I have concluded that S. B. 800 should not become law.

My veto of S. B. 800 means the Legislative Redistricting Board -- composed of the Lt. Governor, Speaker, Attorney General, Comptroller, and Land Commissioner -- will now draw a plan for the State Senate.


It is within the Board's power to remedy the shortcomings of S. B. 800.

In correcting these defects, the Legislative Redistricting Board will help Texas avoid crippling challenges in the Federal courts. It is now up to these five elected officials to solve our redistricting problems here in Texas, minimizing the probability that the lines for the State Senate will be drawn by a Federal judge.

I would urge the Board to make a serious effort to listen to all Texans, through outreach hearings and by taking extensive testimony from citizens and community leaders.

If the Board listens, I believe the message they'll hear will lead them to do what is right for all Texans.

Respectfully,


William P. Clements, Jr.
Governor



Filed in the Office of
Secretary of State

JUN 18 1981

Statutory Documents Div.